

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ERIC DEMOND LOZANO,
TDCJ #1915276
Plaintiff,

v.

BRYAN COLLIER, ET AL.,
Defendants.

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CIVIL ACTION No. 3:18-CV-00237

DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Exhibit L

SELF-AUTHENTICATING BUSINESS RECORDS AFFIDAVIT:**AFFIDAVIT OF TIMOTHY JONES**

"My name is Timothy Jones and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the following is true and correct. I am over 21 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts stated herein.

"I am the custodian of records for the Rehabilitation Programs Division/Chaplaincy Department of the Texas Department of Criminal Justice ("TDCJ"). **This request is for Chaplaincy records regarding Jewish and Native American formation documents.** These are records which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters."

Executed in Walker County, State of Texas, on the 16th day of June, 2020.



Timothy Jones
Director of Chaplaincy
Rehabilitation Programs Division
Texas Department of Criminal Justice

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Programs & Services Division**

Inter-Office Communication

To: Debbie Roberts
Assistant Director

Date: March 12, 1999

Thru: Jerry Groom
Administrator of Chaplaincy Programming

From: Alex Taylor
Regional Chaplaincy Administrator

Subject: Jewish Issues Chronology

This office has maintained significant contact with Rabbi Ted Sanders over the years of his service to TDCJ. Rabbi Sanders has surfaced issues concerning the provision of services for Jewish offenders and this office has been instrumental in addressing each issue. The following is a summary of issues that have surfaced and TDCJ response.

1994

On June 9, 1994 a meeting between Representative Scott Hochberg, Rabbi Ted Sanders, Administrator of Chaplaincy Jerry Groom, and Warden Gary Johnson took place in the Representatives office in Houston.

Issue

Agency Response

Problems concerning services Located at R2	Service move under consideration
Another service needed in Huntsville area	Discussion initiated with Classification and area units.
Problems concerning meeting rooms w/ Religious Symbols	Emphasis on draping built in symbols on older units.
Rabbi Sanders requesting mileage reimbursement	<ul style="list-style-type: none"> ➤ Rabbi Sanders approved for increased remuneration 9/94 to \$440.00 to include additional \$40.00/mo for travel ➤ 9/96 increase to \$500.00/mo ➤ 9/97 increase to \$750.00/mo ➤ 9/98 increase to \$850.00/mo
Money from chaplaincy budget to purchase Jewish literature proportionate to Jewish offender population	8/18/95 \$2,015.11 On Jewish literature
Provide Jewish offenders w/ Kosher food	<ul style="list-style-type: none"> ➤ October 1996 joint meeting w/ Rabbi Sanders, Muslim Chaplain Shabazz; Janie Thomas (Food Services) Marshal Herklotz (Food services); Alex Taylor, Chaplaincy, Leonard Peck, (Legal) and ➤ <u>concurred</u> on provision of Pork Free diet w/ no pork products used for seasoning in other entrees.
Rabbi Sanders wants to provide information for training staff to address TDCJ staff that is	<ul style="list-style-type: none"> ➤ "Jewish Beliefs and Customs" booklet distributed to all unit chaplains, and

unfamiliar with Jewish faith.	<ul style="list-style-type: none"> ➤ incorporated into Chaplaincy Department Manual (9/94, 9/95); and ➤ Religious Pluralism module included in pre-service training (1 hour) 6/96
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1995

Chaplaincy Regional Coordinator Alex Taylor was assigned to work with Rabbi Sanders to help resolve any on-going concerns. Meeting w/ DDO Jerry Peterson, Jerry Groom, Alex Taylor, Rabbi Sanders (7/95)

Issue**Response**

Change of location for Jewish Services From Ramsey II to Darrington Unit	<ul style="list-style-type: none"> ➤ Request submitted to DDO Jerry Peterson ➤ Move request is under agency consideration.
Problem with Offenders that are non Jewish	Jewish Information Sheet corrected per Rabbi Sanders , distributed to offenders and forwarded to Rabbi Sanders
Proselytizing Jewish Offenders, accusations by Jewish offenders	Notification to religious volunteers concerning restrictions on religious proselytizing.
Jewish Offenders being transferred too far to participate in Jewish services	<ul style="list-style-type: none"> ➤ Attempt to identify those offenders that the Rabbi indicates are ready to begin services. ➤ Rabbi Sanders is provided information sheets on Jewish offenders. ➤ Rabbi Sanders is the authorizing religious authority. ➤ Chaplaincy makes the requests to classification.
New chapel construction and religious sectarian design and decoration is of concern to Rep. Hochberg	AD 07.30 Rev.3 (April 1994) includes language <i>"All new chapels... shall be non-sectarian in design and ...made available on a non-preferential basis..."</i>

1996

Issue**Response**

Change of Location of services	Successfully moved to Darrington 9/96
Confiscation of Jewish offenders' religious items	<ul style="list-style-type: none"> ➤ Rabbi Sanders was instructed to process all of the religious items he gives to inmates through the unit chaplain so that the items can be acquired by the offender according to policy with the item added to offender's personal property inventory. ➤ Chaplaincy authored and submitted a training component to pre-and in-service 6/96 that included training in religious pluralism. ➤ Chaplaincy initiated a Chaplaincy Departmental Manual Religious Item Policy

Issue**Response**

Jewish offenders at distant units not able to attend	<ul style="list-style-type: none"> ➤ List of Jewish offenders submitted to classification for transfer consideration, via instructions from Rabbi Sanders. ➤ Rabbi Sanders was asked to submit all offender requests for transfer assistance to Director of Chaplains office to support the transfer request.
Proselytizing of Jewish offenders w/ gifts from Christian ministry efforts	<ul style="list-style-type: none"> ➤ Stressing to religious volunteers the respect that they are to offer all faiths, Jewish included.

	<ul style="list-style-type: none"> ➤ Rabbi Sanders was reminded that he is permitted to give certain items he has requested for his services.
That Jewish offenders are not permitted to observe Jewish Holidays with lay-ins and that they are made fun of if they do. (Non specific complaint)	<ul style="list-style-type: none"> ➤ In-service training provides some religious awareness to TDCJ Staff; ➤ annual Holy day IOC distributed and stressed at chaplaincy training; ➤ Education of agency by unit Chaplains and Administrative Chaplaincy when ever possible.
Diet issues:	<ul style="list-style-type: none"> ➤ 1996 talks culminated in a joint meeting w/ Chaplaincy, Food Services, State Jails, Legal, Rabbi Sanders and Chaplain Shabazz. ➤ As a result of the talks, FS modified their policy to remove pork and pork products as seasoning for non pork entrees, and ➤ AD 5.25 revision 1 was initiated to provide for more religious diets than the one for Muslims.
Rabbi Feinberg identified as a Jewish Christian. Rabbi Feinberg is a non-TDCJ correspondent and visitor with some Jewish offenders. When Rabbi Sanders heard about it he asked us to help notify Chaplains and Jewish offenders.	<ul style="list-style-type: none"> ➤ Unit chaplains were notified that Jewish Christian Rabbi Feinberg is not appropriate for Jewish offenders. ➤ No chaplains were using Rabbi Feinberg as a religious volunteer.
Rabbi Sanders claims that no money is spent for Jewish educational or religious items.	<ul style="list-style-type: none"> ➤ The following purchases were made at the Rabbi's request: ➤ 5/7/93 & 5/21/93 - \$241.83 - Jewish pamphlets ➤ 7/24/95 \$2015.11 - Jewish Prayer book and Bibles, 100 each. ➤ Rabbi was instructed to submit his request for purchases whenever he needed religious supplies.
Uncomfortable accommodations for Jewish services primarily centering around absence of air conditioning and Christian symbols in Darrington Chapel .	<ul style="list-style-type: none"> ➤ Symbols that cannot be removed for his service are draped. ➤ Rabbi is afforded A/C whenever possible
	<ul style="list-style-type: none"> ➤ 9/96 Monthly contract increase to \$500.00/mo

1997

Issue	Response
chain for Jewish services and were not being transferred into ID units.	<p>are not eligible for transfer to ID units</p> <ul style="list-style-type: none"> ➤ There are very few requests from State Jails. The few that there are from SJs are from ID offenders waiting for an open bed. ➤ Jewish offenders are not guaranteed a priority for open ID beds. ➤ Several requests were made between 11/96 and 5/97 for I/m David Goldfinger (755576) to be added to regular chain for services or to be permanently transferred. ➤ He was assigned to the Darrington Unit in July 1997 and was released on Mandatory Supervision in March 1998.
Diet issues continue to be of concern to the Rabbi.	<ul style="list-style-type: none"> ➤ Food Services has made departmental change

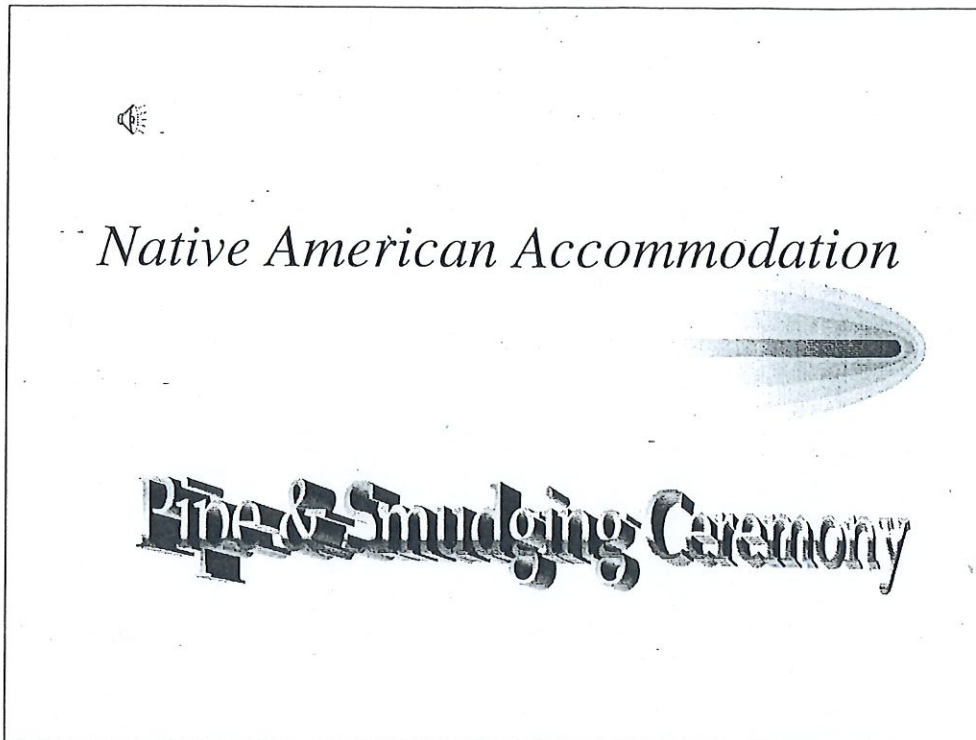
<p>In an April letter to Gary Johnson Rabbi Sanders states: "There are no more than 50 truly Jewish inmates in the whole TDC including wannabees,..." The issue is to relocate Jewish offenders so that he can more readily reach them.</p>	<p>disparaging remarks about offender religion.</p> <p>Rabbi Sanders agreed to identify the Jewish offenders and TDCJ would process them for transfer.</p> <ul style="list-style-type: none"> ➤ Rabbi Sanders did identify some offenders for his correspondence course. Each one was contacted and supplied the first of his lessons. Correspondence course i/ms would not be transferred for services until Rabbi Sanders indicates to the Administrator of Chaplaincy that he is ready for services. ➤ The Rabbi identified 7 offenders that are neither interested in participating in the conversion course nor the monthly services. ➤ The Rabbi never generated a list of Jewish offenders for transfer. ➤ Working with the Rabbi a questionnaire was distributed to three hundred twenty-six Jewish offenders. 134 were returned and forwarded to Rabbi Sanders
<p>Huntsville and Eastham services are too much for one day.</p>	<p>A change of service date was made available to Rabbi Sanders</p>
<p>Eastham is too far to travel.</p>	<p>Chaplaincy initiated a search for help at Eastham Rabbi Peter Tarlow (A&M) was given a tour of Eastham but is too busy to commit to regular services.</p>
<p>In December Rabbi Sanders' letter to Aleph Institute is published in a publication entitled "How the Grinch Stole Chanukah." His letter identifies six problems:</p> <ol style="list-style-type: none"> 1. Location of Jewish offenders is too widespread to accommodate; 2. Confiscation of Jewish religious items; 3. No financial assistance from TDCJ; 4. Continuing disparaging remarks from TDCJ staff; 5. Jewish holidays are unavailable to Jewish offenders; 6. Repeats claim #1. and #4. 	<p>His letter was brought to the attention of Chaplaincy supervision in late January 1999.</p> <ul style="list-style-type: none"> ➤ With the exception of #1. ➤ These claims are completely unfounded. ➤ Rabbi Sanders indicates to this office that very few of the offenders listed as Jewish are actually Jewish. ➤ Rabbi Sanders is responsible for identifying those offenders that are ready for attending his services and the transfer will be initiated.
	<p>9/98 Rabbi's contract increase to \$850.00/mo</p>

1999

Issue**Response**

<p>Location of Jewish offenders is too widespread to accommodate;</p>	<ul style="list-style-type: none"> ➤ TDCJ Chaplains are interviewing all Jewish offenders to determine the extent of interest offenders have in transferring for Jewish service participation. The responses are individualized and will be signed by the Jewish offenders. ➤ Jewish offenders that are willing to transfer and are otherwise eligible for transfer will be moved to a few common units where Rabbinical support is available;
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	<ul style="list-style-type: none"> ➤ Chaplaincy is inquiring of Congregations and individual Rabbi" concerning availability for providing services for Jewish offenders in TDCJ. Contact with congregations in Abilene, Ft. Worth, Victoria, San Antonio, and Amarillo has been initiated.
Confiscation of Jewish religious items;	<ul style="list-style-type: none"> ➤ Implementation of Religious Item/Medallion policy 11.11 for Chaplaincy Department Manual stresses proper authorization in acquisition. ➤ Items must be entered on offender personal property inventory. ➤ Responsibility involves Chaplain and property officer. ➤ Items cannot be distributed directly to offenders.
No financial assistance from TDCJ;	<ul style="list-style-type: none"> ➤ Rabbi Sanders monthly reimbursement rate of \$850.00 covers two services on TDCJ units, ➤ Meeting of 3/5/1999 restated that Rabbi Sanders may submit requests for religious books and literature for offenders at any time. He indicated that he still has books left from his last request. ➤ Chaplaincy has open offer to distribute material to offenders using truck mail system to reduce cost of postage.
Continuing disparaging remarks from TDCJ staff;	TDCJ effort is to continue stressing religious sensitivity to chaplains, staff and volunteers at training opportunities.
Jewish holidays are unavailable to Jewish offenders;	<ul style="list-style-type: none"> ➤ Jewish holidays are recognized and provided for with appropriate lay-in for offenders on work proscription holidays. ➤ Chaplaincy interacts with individual units advocating schedule changes for offenders who observe Sabbath.



This presentation represents that Agency's effort to accommodate the offenders in TDCJ that practice Native American religion.

The pictures of an offender meeting are taken from a meeting held at the Central Unit in November.

Offender **Yellowquill** filed a lawsuit against TDCJ in **1995** claiming that the State was violating her constitutional rights to various Native American religious practices.

Her original complaint claimed that our policy was discriminatory, and that she was not allowed to obtain certain **items** fundamental to the practice of her religious beliefs. Some of the items identified were a sacred pipe, a sacred pipe bag, an eagle feather, kinnick-kinnick and sweetgrass. The denial of the use of a **sweat lodge** was also a part of the original complaint.

When the TDCJ **tobacco** prohibition was extended to the Native American **Sacred Pipe ceremony**(1997), this complaint was added to her lawsuit.

The terms of the settle were negotiated by the Attorney General's office and finally signed by the governor in October, 1998.

This meeting represents the implementation process of the settlement terms.

You can view this presentation by
going to network I drive / Native American
/ Pipe & smudging Ceremony
Lozano 000138

Native American Accommodation

- A change in group activity only
- No change in individual religious accommodation
- Offender must be eligible to participate in non-programmatic activity



This accommodation is directed at group activity for Native American offenders only. It is not required for an offender who is Native American in religion to participate in group activities.

The current accommodations for Native Americans include:

- a shell,
- seven stones,
- a headband,
- a feather and
- medicine bag.

Other items may be added after a case by case evaluation.

Current eligibility for participation in group activity excludes offenders in Administrative Segregation or close custody status.

Certain mental and physical health conditions may also make an offender ineligible.

There are no exemptions for Native Americans concerning eligibility to participate in non-programmatic activity



Yellowquill Settlement

- Permit a Sacred Pipe & Smudging ceremony
- Two times per month
- In an outdoor setting
- With tobacco use as part of the ceremony
- Study the possibility of Sweat Lodges

Offenders who practice Native American religion in a prison setting may practice many personal devotional activities as a part of religious observation.

Private prayer and meditation, as well as personal devotional study are a part of Native American practices.

An offender may perform various ceremonial routines as part of private observance.

There is no single ceremony that all must practice, but individual worship may be enhanced by private ceremonial practice.

Smudging and smoking the pipe are not permitted for private observance apart from a group.

Private practices should be performed in the offenders living area in a manner that does not disturb other offenders.

Unit/facility staff should respect personal religious observance of offenders but may interrupt private observance for appropriate unit concerns.

Native American Host Units

- Central
- Daniel
- Gatesville
- Hughes
- McConnell
- Michael
- Mt. View
- Neal
- Ramsey III
- Stevenson

Nine or ten units will be designated as host units for Native American group religious activity.

- a variety of locations,
- a variety of unit types,
- The variety of units is to provide a similar type of unit from which the offender is transferring in order to avoid the appearance of being punished for wanting to participate in the Native American services.

Offender Participation

- A **questionnaire** was distributed
- Only offenders who are on record (IMF/SSNO) with Native American religion.
- Questionnaire has helped to identify those offenders who are both **eligible** to participate in group religious activities and are **willing to transfer** in order to participate in NA group activities.

Implementation plans.

A **questionnaire** was distributed to unit chaplains for offenders who indicate a religious preference as Native American.

Offender Must be on record (IMF/SSNO) with Native American religion preference.

- Any offender may choose Native American religion as a religious preference,
- Native American religion does not require ethnic or tribal credentials. The Offender does not have to prove that he or she is a Native American.

Questionnaire has helped to identify those offenders who are both **eligible** to participate group religious activities and are **willing to transfer** in order to participate in NA group activities.

Only offenders that are on record (*computer IMF\SSNO screen and travel card*) as having a religious preference as Native American are authorized to participate in the pipe ceremony. With the approval of the Native American spiritual advisor, or contract Chaplain, and the unit Chaplain, arrangements may be made for non Native American offenders to attend the event. They will not be permitted to participate in the pipe sharing.

Release Statement From Offender

- Offenders that are both **eligible** and **willing** will be processed for a permanent transfer to one of the NA host units in order to participate in NA religious services
- In order to participate in the pipe ceremony where a common pipe is used, the offender will be required to sign a common release statement concerning any liability connected with the ceremony.

Offenders that are both eligible and willing will be processed for a permanent transfer to one of the NA host units in order to participate in NA religious services

They will probably be given a transfer priority but will still have to wait for a bed to open on one of the host units.

Participation in the pipe ceremony will require the offender to complete a common release form covering any liabilities connected with the pipe ceremony.

Numbers

- 380 questionnaires were distributed
 - 245 were returned
 - 90 offenders are both eligible and willing to transfer
 - 64 of these are on units where transfer is necessary
- Six units have NA programs currently
 - Central, Gatesville, Michael, Mt. View, Neal & Ramsey III
 - Four units will begin NA programs
 - Daniel, Hughes, McConnell, Stevenson

380 questionnaires were distributed

245 were returned

90 offenders are both eligible and willing to transfer

64 of these are on units where transfer is necessary

Five units have NA programs currently

Central, Michael, Mt. View, Neal & Ramsey III


Four units will begin NA programs

Connally, Hughes, McConnell, Stevenson

Offenders interested in participating will be able to submit their request to the unit chaplain. The chaplain will determine the religious preference and custody level of the offender.

Service Leaders

(speaking on Medicine Bag)

- Service will be led by 
 - Contract Chaplain
Ron Teel
 - NA Religious
Volunteer
 - Qualified
Unit Chaplain
- No Service w/o one of
the above



The Pipe ceremony will be conducted at a rate of twice each month. This is contingent upon availability of a qualified Native American Chaplain, or a Native American volunteer, or a qualified unit/facility Chaplain. The pipe ceremony will be supervised by one of these.

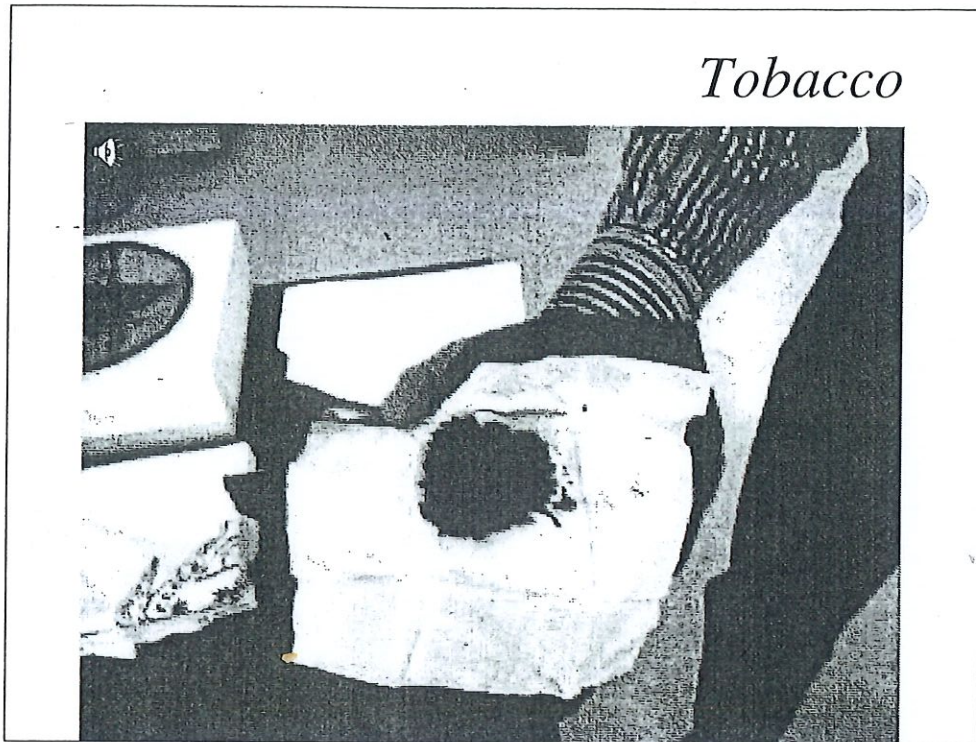
Tobacco and pipe

- The service leader will bring in a pre-determined amount of tobacco for use in the service.
- The tobacco will not be stored on the unit.
- Offenders will use a common pipe.
- The pipe may be stored either on the unit or brought in each time by the service leader.

Native American religion is composed of the practices of Native American tribes. There are over three hundred (300) different Native American language groups.

Consequently, there is notable variety of religious practices between the tribes. Though the details of Native American religious practice vary between tribes, there are nevertheless significant similarities that allow for common religious ceremonies, items and activities.

Though not all tribes have a pipe ceremony tradition, many do. The same is true of the use of smudging ritual. Both of these practices common among plains Indians.



TDCJ policy forbids the use or possession of tobacco in prison, however, an **exception** is in effect for Native American religious practitioners.

The exception for tobacco use by Native American practitioners is contingent upon the **rigid control** of :

- the tobacco,
- the religious paraphernalia necessary for the pipe ceremony and smudging,
- the location of the ceremony and
- the use of fire.

Searching Tobacco

- All items brought into the unit for the Native American ceremony are subject to standard security precautions.
- Tobacco for use in the NA pipe ceremony as well as any sage, sweetgrass, cedar or kinnick-kinnick is also subject to thorough examination and chemical analysis as deemed necessary.

The pipe ceremony will include the use of tobacco and or sage, sweetgrass, kinnikinnik, or cedar. These may be used in combination as prescribed by Native American tradition.

The Native American Chaplain, or approved Volunteer or unit/facility Chaplain or other person as designated by the unit/facility Warden shall be the only person permitted to carry the tobacco in and out of the unit/facility

Smudging

- Smudging is a ceremonial use of smoke
- from smoldering sage, sweetgrass, cedar or kinnikinnik
- to purify or cleanse a person or an item;

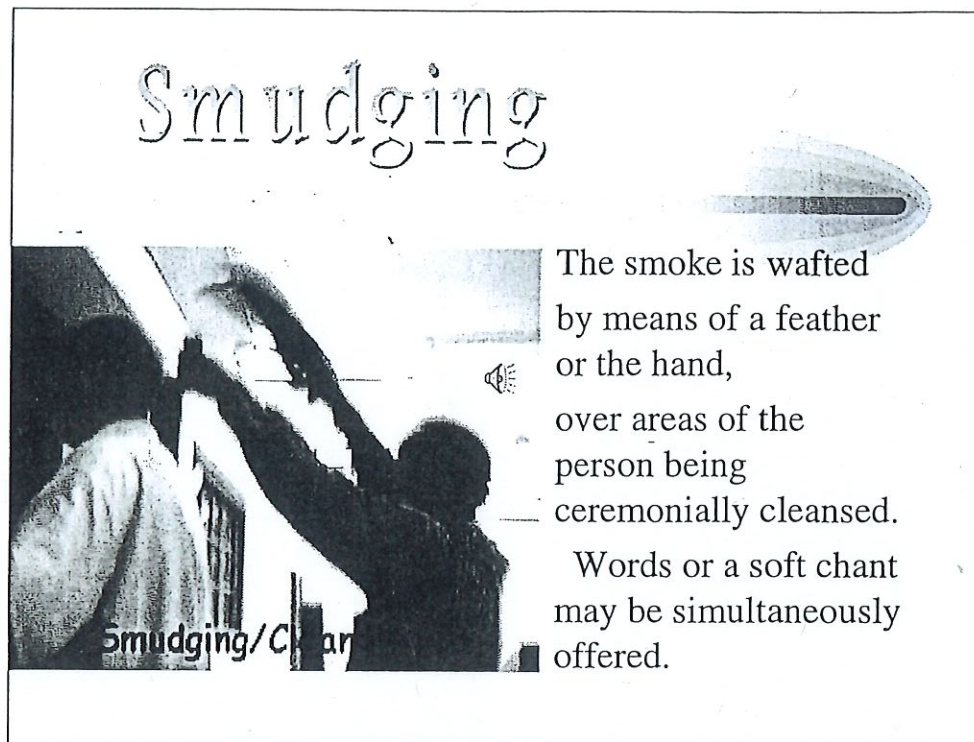


.Smudging is a short ceremonial use of smoke (from smoldering sage, sweetgrass, cedar or kinnikinnik) to purify or cleanse.

Traditionally, Native Americans smudge both privately and in group settings.

However, the only opportunity provided for Native American offenders in TDCJ is in the supervised group meeting.

In group meetings, smudging may be performed by one of the participants assigned to welcoming. This is done by smudging each participant into the circle one by one.



The smoke is wafted by means of a feather or the hand, over areas of the person being ceremonially cleansed. Words or a soft chant may be simultaneously offered.

As the smoke rises the Native American understands that impurities are being lifted from the person who is smudged.

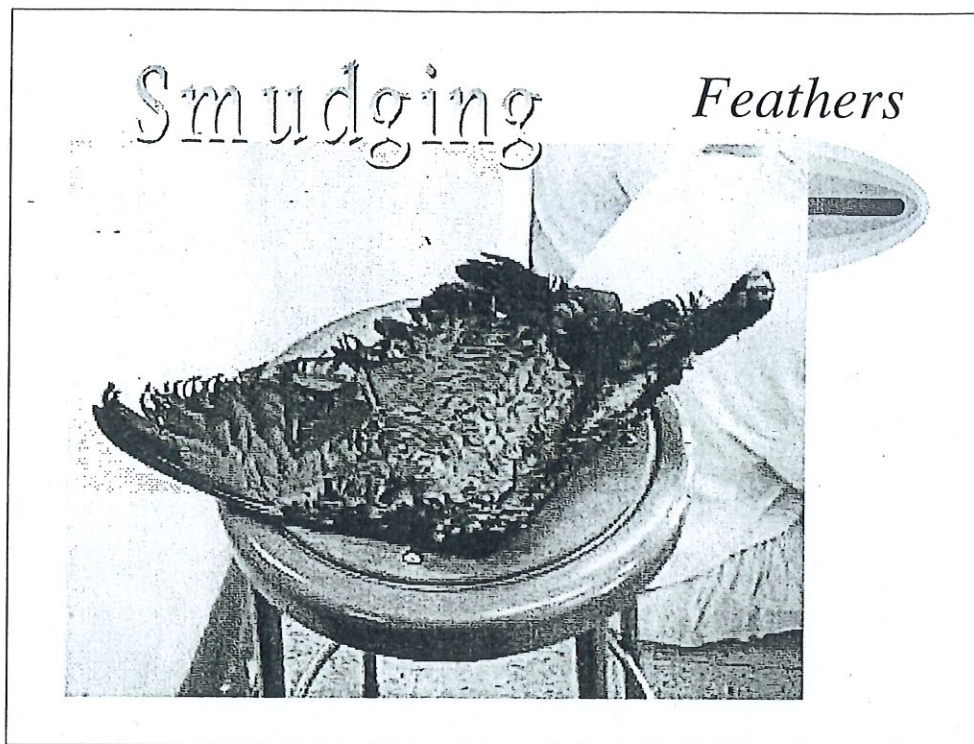
Smudging may be done once per participant, or repeatedly as needed for the group service being held.



Sage is the most common smudging stick. Sage is thought to have cleansing powers of a healing herb.

Other materials may also be used to smudge with. These include Sweetgrass and cedar.

Kinnick-kinnick is a blend of materials used for smudging.

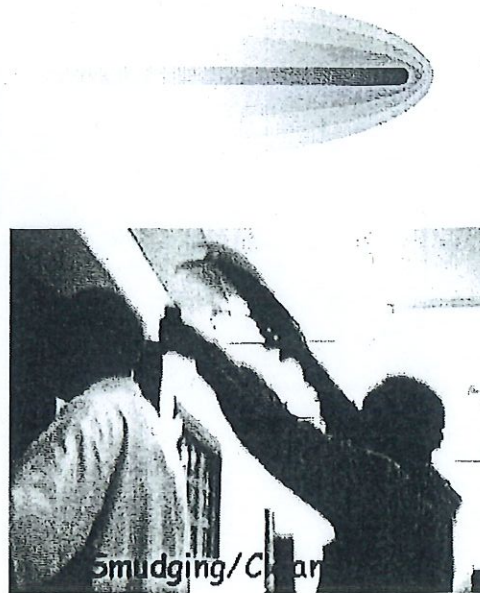


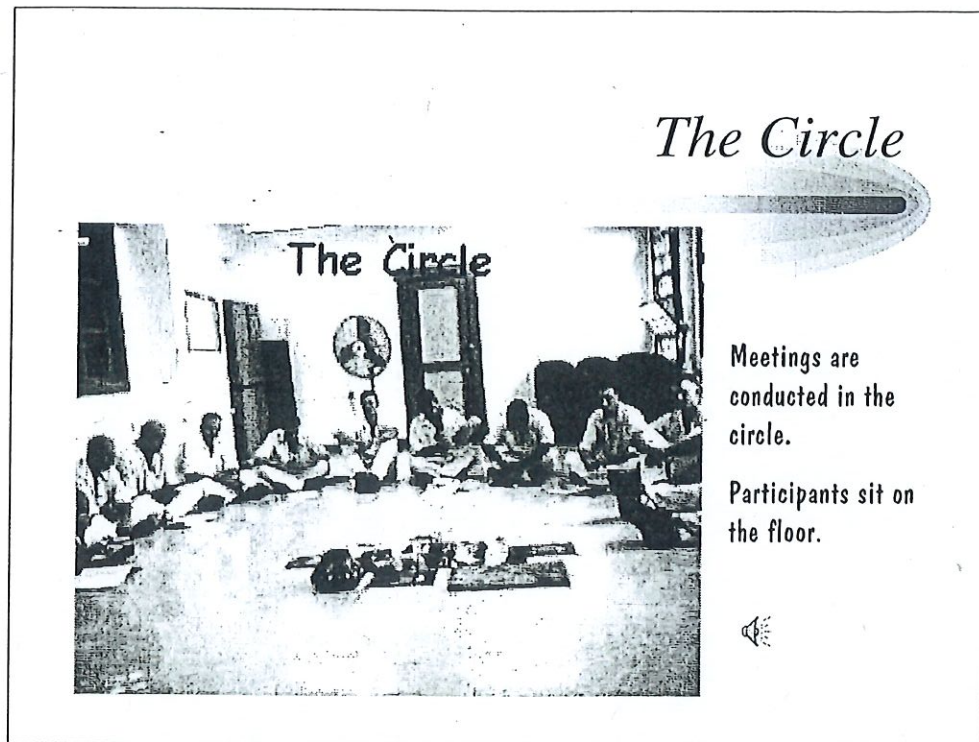
The above is a smudging wing. It is not an eagle wing!

The wing is used as a fan to move the smoke around the person or item being smudged.

The hand can also be used, as can a single feather.

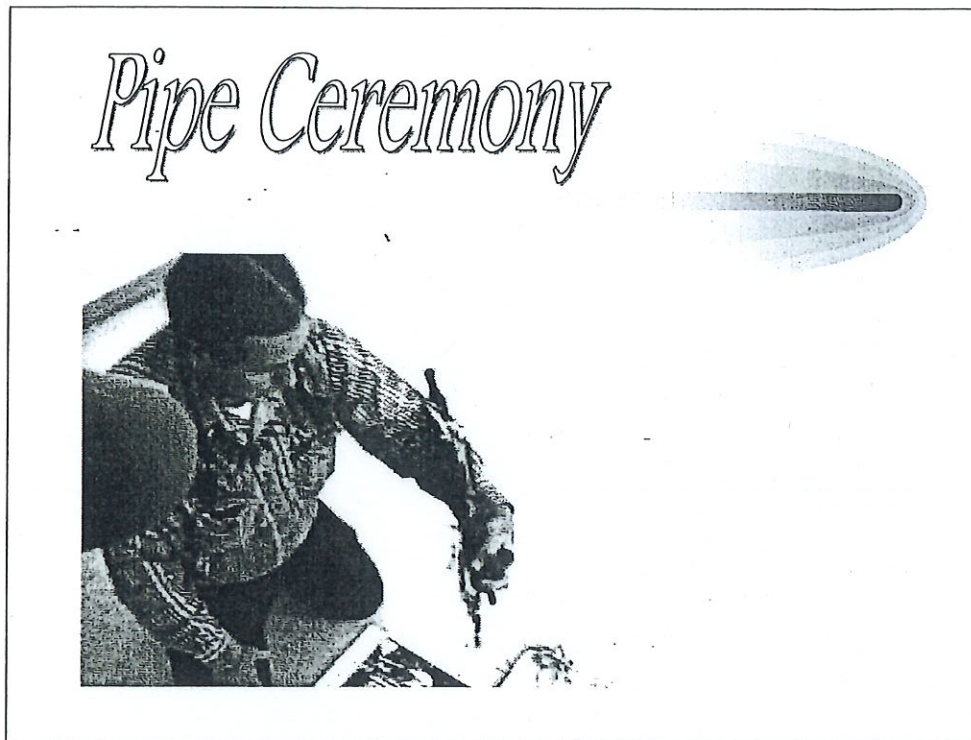
Smudge Wing & Sage Bundle





The symbol of the circle is sacred to all Native Americans. Prayers are always offered in a circle. All Native American ceremonies are done in circle. The circle represents the limits of the people and the nation. It also represents the sacred hoop of the world demonstrating to the Native American, the unity of creation.

The Pipe ceremony involves the use of a sacred Pipe and is an important religious activity in Native American spirituality (see Chaplaincy manual policy 9.03). Since the circle represents wholeness and completeness, group meetings of any kind are held in a circle. Where available space, appropriate supervision and weather conditions permit, group meetings should be conducted in an outside setting. The Native American religion places a value on meeting with open sky overhead.

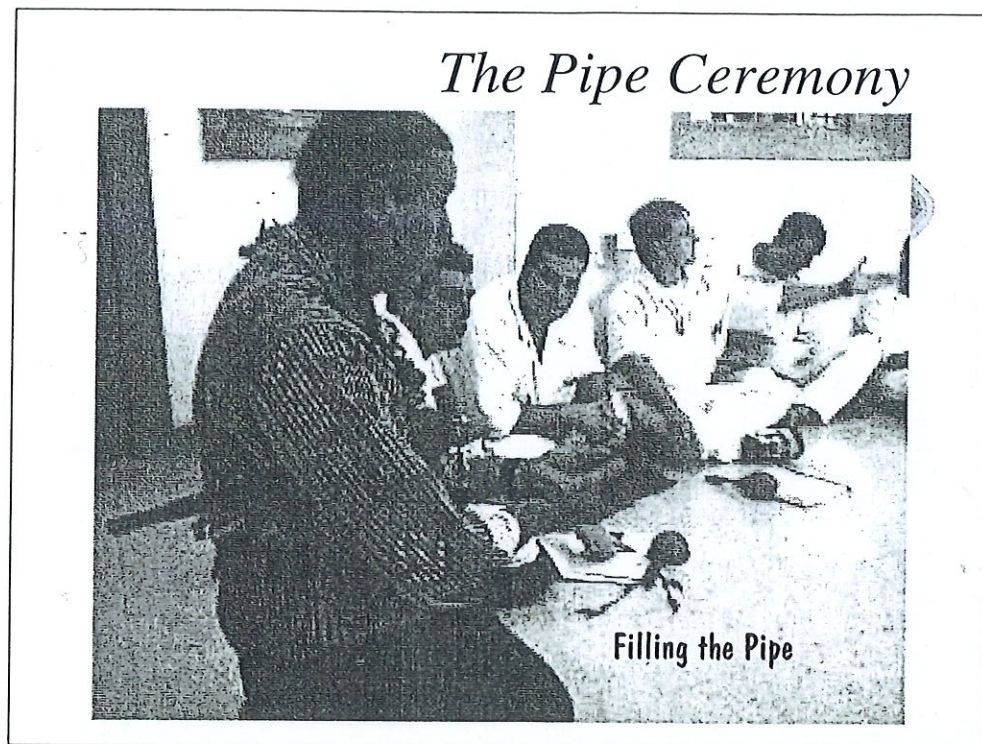


The Native American religion makes use of group and individual ceremony that includes the use of a ceremonial pipe. TDCJ permits various enhancements for Native American religion adherents including the practice of the prayer pipe ceremony and smudging. These practices include the use of ceremonial pipes and the burning and inhaling of smoke from tobacco, sage, sweetgrass, cedar or kinnikinnik. In a group setting all participants in the circle are offered an opportunity to draw smoke from the pipe as a symbol of group unity and a group petition to the Creator

.The prayer pipe is a sacred religious item that is held in high esteem in the Native American religion. It includes the following:

- ❖ A pipe bowl carved from stone;
- ❖ A stem of wood;
- ❖ A pipe bag or bundle made of decorated cloth, canvas, or animal skin;

Spiritually significant paraphernalia such as feathers, ribbons, bones, claws, teeth, fur, beads, sage.



Smoke is the symbolic agent for conveying prayers from earth to the Great Spirit of Native American religion.

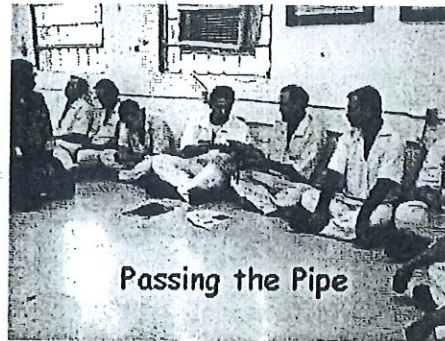
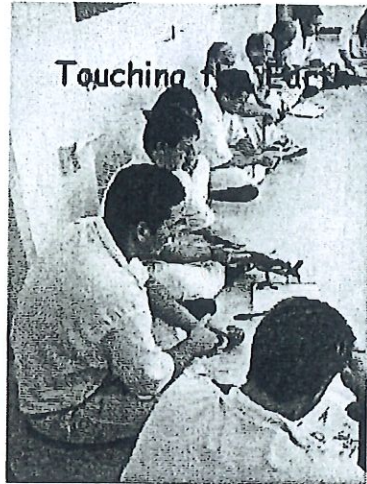
As each participant smokes the pipe, the smoke is the symbol of and the vehicle for the prayer rising to the Creator.

The pipe ceremony involves an otherwise prohibited material, tobacco.

Consequently, prudent security precautions must provide reasonable assurances that contraband does not enter the unit through the religious umbrella.

All parties connected to the Native American pipe and smudging ceremonies are informed that all materials or products brought into a TDCJ unit/facility for use in the pipe or smudging ceremonies are subject to analysis for the presence of unauthorized or illegal substances at the discretion of the unit security administrators. This may include chemical analysis.

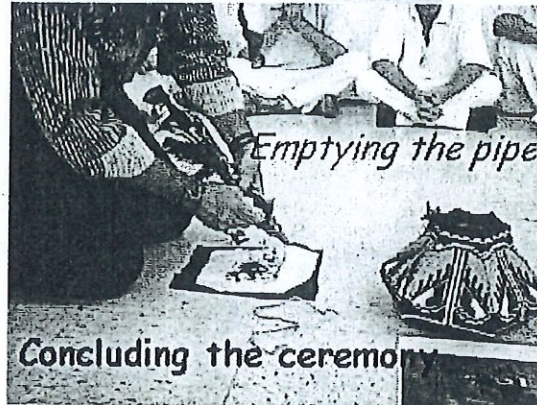
Pipe Ceremony



- The person with the pipe begins with touching the end of the pipe to the earth and then raising it to the sky. These are symbolic gestures indicating the connection being made between the earth and the heavens.
- This is followed by a couple of puffs from the pipe. Some then move the exhaled smoke by a wave of the hand so that the smoke touches the one with the pipe.
- Prayers may be silent or out loud and begin with addressing the deity. A common title used is "Grandfather."
- When the individual finishes his/her prayer, all the participants add "Ajo!" and the pipe is passed to the next one in a clockwise direction.
- This process is repeated for all who are seated in the circle.

Pipe Ceremony

- The pipe is passed around the circle
- Each offers prayer with rising smoke
- Pipe is emptied



- The amount of tobacco mixture for the pipe must be rigidly controlled while it is on the unit/facility.
- Only enough for use at the scheduled ceremony shall be brought onto the unit/facility. That amount shall be limited to 1/2 ounce of tobacco; and
- Only persons authorized by the unit/facility Warden and with the agreement of the Native American contract Chaplain and the unit/facility Chaplain will carry the tobacco.
- No tobacco mixture shall be stored on the unit/facility between ceremonies.
- At the conclusion of the service, the Chaplain, or Native American Volunteer will collect all of the tobacco and any product containing tobacco, the pipe, the pipe bag and any other religious enhancements that do not belong to the Unit Chaplaincy or the offenders and take them off the unit/facility.

In closing

- Regular Native American sessions
- Pipe & smudging ceremony two times per month
- In an outdoor setting whenever possible
- With tobacco use as part of the ceremony

The above conditions are consistent with the terms of the settlement achieved in

Yellowquill v. Scott et al

CA No. H-95 1080

Federal District Court

Southern District

Houston, Texas